IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 240 of 2006 (S/B)

Shiv Parsad Sharma
S/o Late Sri Kamroop Sharma,
R/o Staff Quarter, Hotel Drone,
Dehradun ……. Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Tourism Department,
   Government of Uttaranchal,
   Dehradun.
2. Additional Secretary, Tourism Department,
   Government of Uttaranchal,
   Dehradun.
3. Managing Director,
   Garhwal Mandal Vikas Nigam Ltd.
   74/1, Rajpur Road, Dehradun.
4. General Manager (Administration),
   Garhwal Mandal Vikas Nigam Ltd.
   74/1, Rajpur Road, Dehradun.
5. State of U.P. through Secretary,
   Tourism Department,
   Government of U.P., Lucknow.
6. Managing Director,
   U.P. State Tourism Development
   Corporation Ltd., Vineet Khand,
   Gomati Nagar, Lucknow. …… Respondents

……

Sri Alok Mehra, Advocate on behalf of Sri Manoj Tiwari, Advocate for the petitioner.
Sri Subhash Upadhyaya, Standing Counsel for respondents 1 to 2.
None for respondents 3 to 6.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA C. J. (Oral)

Sri Alok Mehra, Advocate on behalf of Sri Manoj Tiwari, Advocate for the petitioner.

Sri Subhash Upadhyaya, Standing Counsel for respondents 1 to 2.

None for respondents 3 to 6.

2. Sri Subhash Upadhyaya, the learned Standing Counsel has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Sri Alok Mehra, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy available to the petitioner of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter, following the Division Bench decisions of this Court in the cases of **Bhuvan Chandra Pandey and others Vs. State of Uttaranchal & others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.No. 257 (S/B) 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India as the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

5. The writ petition, therefore, fails and is hereby dismissed with the liberty to the petitioner to avail the alternative remedy of filling a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievances projected in the writ petition.

6. With the above order, CLMA No. 9468 of 2006 also stands disposed of.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
12.03.2007 12.03.2007

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